

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE
COUNCIL, INC., et al.,

Plaintiffs,

V.

18-CV-4596 (VEC)

U.S. DEPARTMENT OF THE
INTERIOR, et al.,

Defendants.

NATIONAL AUDUBON SOCIETY,
et al.,

Plaintiffs,

V.

18-CV-4601 (VEC)

U.S. DEPARTMENT OF THE
INTERIOR, et al.,

Defendants.

STATE OF NEW YORK, et al.,

Plaintiffs,

V.

18-CV-8084 (VEC)

U.S. DEPARTMENT OF THE
INTERIOR, et al.,

Defendants.

**NOTICE OF ENVIRONMENTAL PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and declarations (with exhibits and attachments), Plaintiffs Natural Resources Defense Council and National Wildlife Federation (“NRDC Plaintiffs,” Case No. 18-CV-4596), and Plaintiffs National Audubon Society, American Bird Conservancy, Center for Biological Diversity, and Defenders of Wildlife (“Audubon Plaintiffs,” Case No. 18-CV-4601), will move this Court, before the Honorable Valerie E. Caproni, at the United States Courthouse, 40 Foley Square, New York, NY, for an order granting summary judgment to Plaintiffs on the claims in their complaints pursuant to Federal Rule of Civil Procedure 56; the Administrative Procedure Act, 5 U.S.C. § 706; and the National Environmental Policy Act, 42 U.S.C. § 4332(2)(C); and vacating the agency actions titled Opinion M-37050, *The Migratory Bird Treaty Act Does Not Prohibit Incidental Take* (Dec. 22, 2017), and *Guidance on the Recent M-Opinion Affecting the Migratory Bird Treaty Act* (Apr. 11, 2018).

Respectfully submitted,

/s/ Eric R. Glitzenstein

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